

FIRST REGULAR SESSION

# SENATE BILL NO. 485

95TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR PEARCE.

Read 1st time February 25, 2009, and ordered printed.

TERRY L. SPIELER, Secretary.

2185S.011

## AN ACT

To repeal section 130.021, RSMo, and to enact in lieu thereof one new section relating to committee statements of organization.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Section 130.021, RSMo, is repealed and one new section  
2 enacted in lieu thereof, to be known as section 130.021, to read as follows:

130.021. 1. Every committee shall have a treasurer who, except as  
2 provided in subsection 10 of this section, shall be a resident of this state and  
3 reside in the district or county in which the committee sits. A committee may  
4 also have a deputy treasurer who, except as provided in subsection 10 of this  
5 section, shall be a resident of this state and reside in the district or county in  
6 which the committee sits, to serve in the capacity of committee treasurer in the  
7 event the committee treasurer is unable for any reason to perform the treasurer's  
8 duties.

9 2. Every candidate for offices listed in subsection 1 of section 130.016 who  
10 has not filed a statement of exemption pursuant to that subsection and every  
11 candidate for offices listed in subsection 6 of section 130.016 who is not excluded  
12 from filing a statement of organization and disclosure reports pursuant to  
13 subsection 6 **of section 130.016** shall form a candidate committee and appoint  
14 a treasurer. Thereafter, all contributions on hand and all further contributions  
15 received by such candidate and any of the candidate's own funds to be used in  
16 support of the person's candidacy shall be deposited in a candidate committee  
17 depository account established pursuant to the provisions of subsection 4 of this  
18 section, and all expenditures shall be made through the candidate, treasurer or  
19 deputy treasurer of the person's candidate committee. Nothing in this chapter  
20 shall prevent a candidate from appointing himself or herself as a committee of

21 one and serving as the person's own treasurer, maintaining the candidate's own  
22 records and filing all the reports and statements required to be filed by the  
23 treasurer of a candidate committee.

24 3. A candidate who has more than one candidate committee supporting  
25 the person's candidacy shall designate one of those candidate committees as the  
26 committee responsible for consolidating the aggregate contributions to all such  
27 committees under the candidate's control and direction as required by section  
28 130.041.

29 4. (1) Every committee shall have a single official fund depository within  
30 this state which shall be a federally or state-chartered bank, a federally or  
31 state-chartered savings and loan association, or a federally or state-chartered  
32 credit union in which the committee shall open and thereafter maintain at least  
33 one official depository account in its own name. An "official depository account"  
34 shall be a checking account or some type of negotiable draft or negotiable order  
35 of withdrawal account, and the official fund depository shall, regarding an official  
36 depository account, be a type of financial institution which provides a record of  
37 deposits, canceled checks or other canceled instruments of withdrawal evidencing  
38 each transaction by maintaining copies within this state of such instruments and  
39 other transactions. All contributions which the committee receives in money,  
40 checks and other negotiable instruments shall be deposited in a committee's  
41 official depository account. Contributions shall not be accepted and expenditures  
42 shall not be made by a committee except by or through an official depository  
43 account and the committee treasurer, deputy treasurer or  
44 candidate. Contributions received by a committee shall not be commingled with  
45 any funds of an agent of the committee, a candidate or any other person, except  
46 that contributions from a candidate of the candidate's own funds to the person's  
47 candidate committee shall be deposited to an official depository account of the  
48 person's candidate committee. No expenditure shall be made by a committee  
49 when the office of committee treasurer is vacant except that when the office of a  
50 candidate committee treasurer is vacant, the candidate shall be the treasurer  
51 until the candidate appoints a new treasurer.

52 (2) A committee treasurer, deputy treasurer or candidate may withdraw  
53 funds from a committee's official depository account and deposit such funds in one  
54 or more savings accounts in the committee's name in any bank, savings and loan  
55 association or credit union within this state, and may also withdraw funds from  
56 an official depository account for investment in the committee's name in any

57 certificate of deposit, bond or security. Proceeds from interest or dividends from  
58 a savings account or other investment or proceeds from withdrawals from a  
59 savings account or from the sale of an investment shall not be expended or  
60 reinvested, except in the case of renewals of certificates of deposit, without first  
61 redepositing such proceeds in an official depository account. Investments, other  
62 than savings accounts, held outside the committee's official depository account at  
63 any time during a reporting period shall be disclosed by description, amount, any  
64 identifying numbers and the name and address of any institution or person in  
65 which or through which it is held in an attachment to disclosure reports the  
66 committee is required to file. Proceeds from an investment such as interest or  
67 dividends or proceeds from its sale, shall be reported by date and amount. In the  
68 case of the sale of an investment, the names and addresses of the persons  
69 involved in the transaction shall also be stated. Funds held in savings accounts  
70 and investments, including interest earned, shall be included in the report of  
71 money on hand as required by section 130.041.

72 5. The treasurer or deputy treasurer acting on behalf of any person or  
73 organization or group of persons which is a committee by virtue of the definitions  
74 of committee in section 130.011 and any candidate who is not excluded from  
75 forming a committee in accordance with the provisions of section 130.016 shall  
76 file a statement of organization with the appropriate officer within twenty days  
77 after the person or organization becomes a committee but no later than the date  
78 for filing the first report required pursuant to the provisions of section  
79 130.046. The statement of organization shall contain the following information:

80 (1) The name, mailing address and telephone number, if any, of the  
81 committee filing the statement of organization. If the committee is deemed to be  
82 affiliated with a connected organization as provided in subdivision (11) of section  
83 130.011, the name of the connected organization, or a legally registered fictitious  
84 name which reasonably identifies the connected organization, shall appear in the  
85 name of the committee. If the committee is a candidate committee, the name of  
86 the candidate shall be a part of the committee's name;

87 (2) The name, mailing address and telephone number of the candidate;

88 (3) The name, mailing address and telephone number of the committee  
89 treasurer, and the name, mailing address and telephone number of its deputy  
90 treasurer if the committee has named a deputy treasurer;

91 (4) The names, mailing addresses and titles of its officers, if any;

92 (5) The name and mailing address of any connected organizations with

93 which the committee is affiliated;

94 (6) The name and mailing address of its depository, and the name and  
95 account number of each account the committee has in the depository. **The**  
96 **account number of each account shall be redacted prior to disclosing**  
97 **the statement to the public;**

98 (7) Identification of the major nature of the committee such as a candidate  
99 committee, campaign committee, continuing committee, political party committee,  
100 incumbent committee, or any other committee according to the definition of  
101 committee in section 130.011;

102 (8) In the case of the candidate committee designated in subsection 3 of  
103 this section, the full name and address of each other candidate committee which  
104 is under the control and direction of the same candidate, together with the name,  
105 address and telephone number of the treasurer of each such other committee;

106 (9) The name and office sought of each candidate supported or opposed by  
107 the committee;

108 (10) The ballot measure concerned, if any, and whether the committee is  
109 in favor of or opposed to such measure.

110 6. A committee may omit the information required in subdivisions (9) and  
111 (10) of subsection 5 of this section if, on the date on which it is required to file a  
112 statement of organization, the committee has not yet determined the particular  
113 candidates or particular ballot measures it will support or oppose.

114 7. A committee which has filed a statement of organization and has not  
115 terminated shall not be required to file another statement of organization, except  
116 that when there is a change in any of the information previously reported as  
117 required by subdivisions (1) to (8) of subsection 5 of this section an amended  
118 statement of organization shall be filed within twenty days after the change  
119 occurs, but no later than the date of the filing of the next report required to be  
120 filed by that committee by section 130.046.

121 8. Upon termination of a committee, a termination statement indicating  
122 dissolution shall be filed not later than ten days after the date of dissolution with  
123 the appropriate officer or officers with whom the committee's statement of  
124 organization was filed. The termination statement shall include: the distribution  
125 made of any remaining surplus funds and the disposition of any deficits; and the  
126 name, mailing address and telephone number of the individual responsible for  
127 preserving the committee's records and accounts as required in section 130.036.

128 9. Any statement required by this section shall be signed and attested by

129 the committee treasurer or deputy treasurer, and by the candidate in the case of  
130 a candidate committee.

131         10. A committee domiciled outside this state shall be required to file a  
132 statement of organization and appoint a treasurer residing in this state and open  
133 an account in a depository within this state; provided that either of the following  
134 conditions prevails:

135             (1) The aggregate of all contributions received from persons domiciled in  
136 this state exceeds twenty percent in total dollar amount of all funds received by  
137 the committee in the preceding twelve months; or

138             (2) The aggregate of all contributions and expenditures made to support  
139 or oppose candidates and ballot measures in this state exceeds one thousand five  
140 hundred dollars in the current calendar year.

141         11. If a committee domiciled in this state receives a contribution of one  
142 thousand five hundred dollars or more from any committee domiciled outside of  
143 this state, the committee domiciled in this state shall file a disclosure report with  
144 the commission. The report shall disclose the full name, mailing address,  
145 telephone numbers and domicile of the contributing committee and the date and  
146 amount of the contribution. The report shall be filed within forty-eight hours of  
147 the receipt of such contribution if the contribution is received after the last  
148 reporting date before the election.

149         12. Each legislative and senatorial district committee shall retain only one  
150 address in the district it sits for the purpose of receiving contributions.

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